

Minutes of Land Use, Parks and Environment Committee
Tuesday, February 3, 2009

Chair Fritz Ruf called the meeting to order at 8:30 a.m. and led the Committee in the Pledge of Allegiance.

Committee Present: Supervisors Fritz Ruf (Chair), James Jeskewitz, Walter Kolb, Gilbert Yerke, Rob Hutton (arrived at 8:39 a.m.) and Ted Rolfs. Absent: Supervisor Janel Brandtjen.

Also Present: Chief of Staff Mark Mader, Legislative Associate Karen Phillips, Land Resources Manager Perry Lindquist, Senior Land Specialist Alan Barrows, SEWRPC Principal Planner Dr. Jeff Thornton, Citizen Pat Major, and Supervisor John Pledl, Larry Lefebvre, Neil Borgman, Fay Amerson, Tom Reck and Pat Major of the Little Muskego Lake District.

Public Comment

Ruf stated that any comments or questions would be accepted following the completion of the presentation.

Approve Minutes of January 22, 2009

MOTION: Jeskewitz moved, second by Kolb, to approve the minutes of January 22, 2009.
Motion carried 5-0.

Executive Committee Report

Ruf reported on the items discussed at the Executive Committee meeting on February 2, 2009, including the following:

- Discussion of Ordinance 163-O-078: Repeal and Recreate Section 15-2 of the Waukesha County Code of Ordinances Regarding the Establishment of Fees for the Waukesha County Department of Public Works. He stated the ordinance was approved by a vote of 5-2.
- A presentation of Waukesha County Economic Development Corporation's 2009 Economic Strategies: Innovation and Sustainability
- Presentation and Discussion of CDBG and HOME Year-End Reports
- Presentation of Waukesha County's Federated Library System's Business Outreach Initiative

Future Meeting Dates

- February 17, 2009

Hutton arrived at 8:39 a.m.

Presentation on Lake Management Districts and Hearing Pertaining to Attachment of Territory to Little Muskego Lake District.

Lindquist stated that this Public Hearing pertaining to the attachment of territory to the Little Muskego Lake District is being held in accordance with the Wisconsin State statutes. He introduced Thornton, a principal planner with SEWRPC, who would be the main presenter. Lindquist also introduced Barrows, who would be keeping the record of the Public Hearing. Lindquist stated that after Thornton's presentation, the Public Hearing would be open for comments and questions. Ruf asked if there were any objections to the aforementioned procedure; there were no objections.

Lindquist proceeded to distribute maps of the Little Muskego Lake District and the Kenwood Subdivision, depicting the parcels currently within the Lake District Boundary and the parcels contemplated for attachment. He explained that no decision would be made today regarding the proposed

attachment. The Public Hearing is the first step in the process required according to the State statutes. Lindquist explained the unusualness of this particular request. The entire Lake District is in the City of Muskego, and normally the County would not be involved unless more than one local jurisdiction was affected; however, the statute covering the attachment process does reference the County. Lindquist stated that a legal opinion was obtained from Corporation Counsel and an attorney representing the Lakes Association. Both agreed that the County must process this request.

Thornton provided the background information on the formation of Lake Districts. He explained that Lake Districts are formed for the purpose of protecting or rehabilitating our natural resources (lakes). Once the district is formed, the State statutes (Chapter 33) provide for modification of the district as necessary. The two ways of adding lands to the district are by petition of the landowners, or as in this case, by petition by the Board of Commissioners. The lands have to meet the decision criteria as outlined in the State statute that effect the creation of a Lake District. This Lake District already has a name and existing boundary; amending the boundary is the issue in this case. In order to decide whether lands should be added to this Lake District, it must meet three criteria:

- Necessity – It is necessary to protect the lake, to address issues including water quality.
- Provides Benefit – There must be a benefit to the lake itself. If lands are within the drainage area, the water/rainfall falling on the land usually carries contaminants or pollutants as it makes its way to the Lake. Including such lands in the district is beneficial to the lake.
- Public Health, Safety, Convenience and Welfare would be promoted by the district (activities including education, water quality monitoring, aquatic plant management practices, boaters safety and aquatic invasive species type of informational programming), providing significant benefit to the community and to the resource itself.

Thornton concluded with a summary of the proposed attachment of the remaining area of Kenwood Place Subdivision to the Little Muskego Lake District. Sixteen (16) parcels within the subdivision are already a part of the District; this attachment would add the remaining 22 parcels of the Kenwood Place Subdivision to the Lake District. Their stormwater does drain into the Lake; it is a major contributor of contaminants to the Lake. All of the lots within the Kenwood Place Subdivision are within the watershed. Thornton stated it is consistent with the plan for the Lake.

Members of the Board of Commissioners present for the Public Hearing spoke as proponents on behalf of the Little Muskego Lake District. They outlined the procedures that were followed as required by State statutes. All of the affected property owners were contacted by means of letters, a newspaper ad was published, and a public meeting was held; no one attended the meeting. Borgman, Lefebvre and Reck continued to discuss the proposed attachment and the effect on property owners. Each year an annual meeting is held to work on the budget and determine the fee charged to each resident. Riparians pay \$300.00 per year; property owners off the lake pay \$60.00 per year, to cover expenses to maintain the lake. They explained they are looking at the Kenwood subdivision as a whole only 16 of the parcels in the subdivision are currently paying. This is a step to equalize this by including the other 22 parcels. Pledl agreed in that this is a matter of equity as far as drainage. The area is unique in that it is a very populated area. He explained this area should have been included in the Lake District years ago.

Major, a lot owner, stated he never received any prior information; the first and only letter he received was the County's notice of the Public Hearing. Kolb and Hutton voiced concerns about whether there was proper notification of the property owners and if they were given sufficient opportunity to express their opinions about the proposed attachment. Further discussion continued on the process followed thus far. Amerson emphasized that the correct process was followed; now it is the responsibility of the County to follow through with the process. Thornton concurred that all of the statutory requirements were met. The proposed attachment does meet all of the required criteria of necessity, benefit and promotion of

public health, safety and convenience, and would be suitable. Major stated that most of his questions were answered by the presentation and discussion.

Ruf requested Mader to explain what action is anticipated from this Committee. Mader stated that no action would be taken today. An ordinance would be drafted and acted upon at later meeting. Mader explained there is a statutory timeframe. If the March 4 deadline was met for submittal of the ordinance, the LUPE Committee could take up the ordinance at the March 17 meeting and it would go to the County Board on March 24.

MOTION: Rolfs moved, second by Jeskewitz, to adjourn at 9:40 a.m. Motion carried 6-0.

Respectfully submitted,

Jim Jeskewitz
Secretary